

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL	)	No. 12-md-2323 (AB)
LEAGUE PLAYERS' CONCUSSION	)	
INJURY LITIGATION	)	MDL No. 2323
	)	
-----	)	
	)	<b>SHORT FORM COMPLAINT</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	<b>IN RE: NATIONAL FOOTBALL</b>
<b>Plaintiffs' Second Amended</b>	)	
<b>Master Administrative Long-</b>	)	<b>LEAGUE PLAYERS' CONCUSSION</b>
<b>Form Complaint and</b>	)	<b>INJURY LITIGATION</b>
<b>Shaun Gayle v. National Football League,</b>	)	
<b>et al., No. 2:12-cv-5212</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
	)	

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**SHORT FORM COMPLAINT AGAINST RIDDELL DEFENDANTS**

1. Plaintiff, SHAUN GAYLE, brings this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff is filing this Short Form Complaint against Riddell Defendants as required by this Court's Case Management Order ECF No. 7709, filed May 18, 2017.

3. Plaintiff continues to maintain claims against Riddell Defendants after a Class Action Settlement was entered into between the NFL Defendants and certain Plaintiffs.

4. Plaintiff, incorporates by reference the allegations (as designated below) of the Second Amended Master Administrative Long-Form Complaint against Riddell Defendants, as if fully set forth at length in this Short Form Complaint. However, Plaintiff denies that there is federal subject matter jurisdiction over this action.

4. Plaintiff, SHAUN GAYLE, is a resident and citizen of Illinois and claims damages as set forth below.

5. On information and belief, the Plaintiff sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. Upon information and belief, Plaintiff suffers from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff sustained during NFL games and/or practices. Upon information and belief, the Plaintiff's symptoms arise from injuries that are latent and have developed and continue to develop over time.

6. The original Complaint by Plaintiff in this matter was filed in the Circuit Court of Cook County, State of Illinois on July 10, 2012. If the case is remanded, it should be remanded to the Circuit Court of Cook County, State of Illinois, City of Chicago, Case No. 2012 L 7703.

7. Plaintiff claims damages as a result of:

- ☒ Injury to Herself/Himself
- ☐ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action
- ☒ Economic Loss

8. Plaintiff and Plaintiff's Spouse brings this case against the following Defendants in this action:

- ☒ Riddell, Inc.
- ☒ Riddell Sports Group, Inc.
- ☒ All American Sports, Inc.
- ☒ RBG Sports, Inc., f/k/a Easton-Bell Sports, Inc.
- ☒ RBG Sports, Inc., f/k/a Easton-Bell Sports, LLC
- ☒ RBG Sports Corp.

x   RBG Sports Holdings Corp., f/k/a RBG Holdings Corp.

9. The Plaintiff wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff played in the NFL and/or AFL.

10. Plaintiff played in   x   the National Football League (“NFL”) and/or in        the American Football League (“AFL”) during 1984 to 1995 for the following teams: Chicago Bears and San Diego Chargers.

11. Plaintiff retired from playing professional football after the 1995 season.

### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Second Amended Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts:

- x   Count I (Negligence)
- x   Count II (Negligent Marketing)
- x   Count III (Negligent Misrepresentation)
- x   Count IV (Fraud)
- x   Count V (Strict Liability/Design Defect)
- x   Count VI (Failure to Warn)
- x   Count VII (Breach of Implied Warranty)
- x   Count VIII (Civil Conspiracy)
- x   Count IX (Fraudulent Concealment)
- Count X (Wrongful Death)

- \_\_\_ Count XI (Survival Action)
- \_\_\_ Count XII (Loss of Consortium)
- x   Count XIII (Punitive Damages under All Claims)
- x   Count XIV (Declaratory Relief: Punitive Damages)

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. An award of economic damages in the form of medical expenses, out of pocket expenses, lost earnings and other economic damages in an amount to be determined at trial;
- C. For punitive and exemplary damages as applicable;
- D. For all applicable statutory damages of the state whose laws will govern this action;
- E. For loss of consortium as applicable;
- F. For declaratory relief as applicable;
- G. For an award of attorneys' fees and costs;
- H. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury.

Dated:

Respectfully Submitted:

**WINTERS SALZETTA O'BRIEN  
& RICHARDSON, LLC**

(s) John F. Winters, Jr.

Attorneys for Plaintiff

**Winters Salzetta O'Brien & Richardson, L.L.C.**

111 West Washington Street

Suite 1200

Chicago, Illinois 60602

(312) 236-6324

(312) 236-6426 Fax

www.wesolaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 1, 2017, the foregoing Short Form Complaint was filed with the Clerk of the United States Judicial Panel on Multidistrict Litigation using the CM/ECF electronic filing system which automatically transmitted a Notice of Electronic Filing to all ECF registrants.

/s/ John F. Winters, Jr.

John F. Winters, Jr.